

DETAILED ACTION - ALLOWANCE

Claim Status

Applicants' amendment filed September 10, 2008 in response to the office action dated August 18, 2008, has been entered. Claims 1, 2, 4-10 and 12-21 have been cancelled, and claim 22 amended. No claims were newly added. Accordingly, claims 22-28 are pending in the application.

Claim 22 was previously objected to for containing a typographical error. Applicants' amendment of the claim correcting the error obviates the ground of objection.

Claims 1, 2 and 4-10 were previously rejected under 35 U.S.C. §112, second paragraph as containing language inconsistent with the preamble. Applicants' cancellation of the claims renders their rejection moot. Accordingly, the rejection is hereby withdrawn.

Claims 12-21 were previously rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Applicants' cancellation of the claims renders their rejection moot. Hence, the rejection is hereby withdrawn.

The previous office action dated August 18, 2008 indicated claims 23-28 as considered allowable.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Troy A. Groetken on December 2, 2008.

The application has been amended as follows:

In the claims,

Claim 22 has been amended as follows:

In line 1, the word "damaged" has been inserted following the words "motion of the".

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The prior art of record does not teach or suggest the administration of autologous or allogeneic mesenchymal stem cells to an individual to improve ventricular wall motion of a damaged heart. Further, it has been demonstrated that mesenchymal stem cells possess the ability to respond to local homing signals that promote their engraftment and differentiation in the damaged tissue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 22-28 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FEREDOUN G. SAJJADI whose telephone number is (571)272-3311. The examiner can normally be reached on 6:30 AM-3:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Woitach can be reached on (571) 272-0739. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Fereydoun G Sajjadi/

Examiner, Art Unit 1633